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ABSTRACT

Provided is a frame of reference for considering the potential impact of Public Law 94-142, The Education of All Handicapped Children Act, on school administrators. It is explained that Public Law 94-142 may reshape three traditional aspects of existing school environments: first, it might be anticipated that the underlying approaches used to accomplish the mission of schools may change; second, the role relationships between and among educational professionals, social service professionals, parents, and students may change; and third, changes in the rationale and processes of educational decision making may occur. Due process and procedural safeguards, individualized educational programs, and the concept of least restrictive environment are also considered. (Author/SBH)

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THE HANDICAPPED CHILDREN ACT - P.L. 94-142: IMPLICATION FOR PRINCIPALS*

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Initially educators were startled by what was envisioned to be the overriding effects of Public Law 94-142, "The Education of All Handicapped Children Act of 1975." Though the law went into effect in November, 1975, we reacted to it as with most educational legislation that the drafters of the legislation again failed to seek our input. We are now settling down and gaining an understanding of how to implement this national public policy with the least amount of difficulty. We now realize that 1980 is just around the corner, that P.L. 94-142 is unlikely to be legislatively modified or amended, and that there are 15 to 20 percent of school children and youth who need highly individualized and specialized instruction.

The purpose of this paper is to provide a frame of reference for considering the potential impact of P.L. 94-142 on school administrators. The impact on the school organization including professional relationships and parental participation are discussed with an orientation of change. Planning, implementation and evaluation strategies as well as due process considerations will be summarized.

P.L. 94-142, "The Education of All Handicapped Children Act of 1975," may reshape three traditional aspects of existing school environments for administrators. First, it might be anticipated that the underlying approaches used to accomplish the mission of schools may change. Second, the role relationships between and among educational professionals, social service professionals, parents and students may change.

Third, changes in the rationale and processes of educational decisioning may occur. Each of these propositions will be reviewed in the context of the provisions of the law.

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CHANGING APPROACHES TO ACCOMPLISH THE MISSION

Schools have frequently stated their mission as alternately "preparing children for societal membership as adults" and "providing each child the opportunity to develop their fullest potentials." On an operational level this has resulted in aggregate instructional approaches and norm derived, age-grade expectancies. Administrators, perhaps more than teachers, have relied on these devices, using them as management tools and organizational rationales. These predictive comparative measures have been the basis for many educational-instructional decisions. Such approaches could be summarily described as a DEVIATIONS APPROACH.[1] Students under this approach are not permitted to exhibit behaviors (academic and social) beyond the supporting norms. The consequences of deviant behavior involve retention, failure, lower level placement or external institutional placements. One or all of these can be utilized on a temporary to permanent basis until the specific responsible "gremlin" in the child (e.g. gremlin of learning disability, emotional disturbance)[2] has been determined.

In essence, P.L. 94-142, undergirded by the principles of other civil rights legislation, accepts "equal opportunity for all," specifically, each individual child. Consequently, the school's mission shifts from emphasizing "all" to emphasis on the "individual." A ZERO-REJECTION THEORY replaces the gremlin theory. Zero-rejection necessitates the acceptance of broad variability within a school and a shift from norm-reference program standards to individualized programs which are criterion referenced. Uniform results from uniform assignments are not palpable and the educational environment of schools must adapt to a range of individual differences.

Zero-Rejection Theory recognizes that students, like schools, have what Owen Kiernan has called an ADAPTIBILITY QUOTIENT, i.e. the degree of adaptability to necessary change.[3] Success for schools and students can be assessed on the basis of how effectively each adapts to a changing social environment. For schools, adaptation means providing various programs, curricula and social settings to enhance the learning potentials of each student. Terrel H. Bell, Commissioner of Education, has suggested that secondary schools must do more by becoming "dejuvenilized." Dejuvenilizing emphasizes the responsibility of secondary educators to involve students in school governance, curriculum and activities relevant to student lives today and in the future.[4]

P.L. 94-142 embodies this concept by including students in decisions regarding their educational life. It recognizes that each student will assume an adult role and that schools must prepare each student for those responsibilities. Further, it recognizes that each student can make the transition to responsible adult through

participation in varied social and educational experiences and expanding relations beyond the immediate youth subculture.

CHANGES IN PROFESSIONAL AND OTHER ROLES

In addition to this shift of emphasis in the school's mission, P.L. 94-142 may effect existing role relations of professionals, parents and students. In essence, it may redefine the educational team approach and subsequent staff collaborative and consultative functions.

Redefined Educational Team. School systems across the country have recently experienced increased criticism from parents and public interest groups.[5] Much of that criticism has been summed under a cry of accountability and has emphasized lack of participatory decisioning and increased "red tape" of the educational bureaucracy. Frequently, the relationship between school personnel and parents has been toleration at best and adverseness at least. In many cases, the dialogue between schools and parents has been strictly advisory in nature, with parental advice frequently lost in the shuffle of professional opinion and expediency.

Under P.L. 94-142, the Individualized Educational Program specifies that a school representative, teachers, parents, and where appropriate, the child become equal partners in determining what is educationally relevant, appropriate and practical for each child. By defining the educational team to be inclusive of parent (and child), it is suggested that educationally relevant placement decisions must take into account family social history, attitude and value orientations, and expectations as well as the academically relevant information available through the school.

Consequences of such action, ideally, would be a more positive attitude and commitment of parents to the tasks of education; educators who are forced to communicate other than through lofty "jargonese," and, systematic provision for long and short-term educational strategies. The teaming approach becomes a case method approach which concentrates various informational resources on the individual child.

Understandably, it has not been easy in some urban and rural settings to get parents actively involved in the education of their children. To do so in the future may require even more Trojan efforts of informing parents of the law and overcoming their complacency and anxiety in dealing with schools. For the first time, systems may be able to justify to boards of education an expenditure item called "public relations," or "parent-information system" or "administrative parent advocacy." Maybe, educators will have to institute educational

circuit-riders in keeping with the judicial circuit riders of the western frontier days. Such approaches would at least indicate minimal efforts toward accountable administration.

Procedural Safeguards

Nevertheless, provisions in the law entitled "procedural safeguards" and "due process" (Section 615) are assuredly provisos against parental non-involvement and administrative neglect. Both provisions provide for the systematic inclusion of the parent or his/her surrogate in the process of determining what is educationally appropriate for a child. By specifying time lines, process procedures and participant roles, these safeguards are intended as protections of the child's educational rights.

Similar safeguards are now regularly employed in the environmental protection and consumer movements as well as arbitration hearings of the business sector.

The school administrator need not fear such provisions if he/she systematically provides for implementing P.L. 94-142. It is necessary to recongize that these safeguard processes are anticipatory in nature. They anticipate circumstances when the law's implementation is minimal or dissatisfactory to the parent, his/her representative or the child, or when somehow the process mechanisms do not function for the school.

It may be argued that these P.L. 94-142 safeguards are a consequence of expanding judicial involvements in education (i.e. Brown I and II, P.A.R.C., Wyatt, Mills). Most administrators are aware of the effects, or potential effects, of other civil rights legislations on their schools. Since the Brown Decisions of 1954 and 1955, other legal decisions have included their "separate is inherently unequal" doctrine and Alexander's "all deliberate speed" directives.[6] Usually, the monitoring of the progress toward integration has been minimal, kept within the purvue of the offending district or subsumed under a judicial mantelet. In most cases the due process mechanisms of other legal authorities are similar to those imposed in P.L. 94-142.

As applied in P.L. 94-142, utilization of these mechanisms, born in other parts of the social sector, may have tremendous impacts. Unlike other civil rights review mechanisms involving adjudication, those of P.L. 94-142 are of minimal cost to the individual; an individual appellant (as opposed to a "class") can initiate the process; and, time factors are controlled by law. These factors may increase the number of appeals that a given local educational and state agency may have to adjudicate. The adoption of the grievance model typically used in the industrial sector of society may have even

more impact. The use of a third-party mediator and hearing officer, divested of local and state educational involvements, has potential impact on the legal profession, labor-relations personnel and the skills of the school administrator. Such developments, however, are mere projections. In essence, procedural safeguards and due process are fail-safe mechanisms that assure problem resolution, participation and accountability between parents and the educational enterprise to facilitate the development of a most important product—the child.

Collaborative/Consultative Relationships Among Staff. New collaborative/consultative relationships may also exist among teachers as a consequence of P.L. 94-142. Regular classroom teachers have long ago recognized that the "pupil in unison" approach was inadequate. Nevertheless, most instructional approaches and evaluation criteria have an aggregate, subject-line focus. Teachers will need assistance in translating assessment results and developing specific performance statements; assessing and utilizing knowledge of individual learning styles in developing learning materials and methodologies;[7] and developing observational techniques. Teachers and other professional must be assisted in changing some existing attitudinal assumptions; namely, that P.L. 94-142 addresses a small population and that the learning problems of the handicapped are unique and not relevant to regular education.[8] In the first case, assuming that existing figures of 8 million handicapped are conservative, that figure represents approximately 10-13% of all school age children, of which it is estimated that approximately 3¼ million are receiving no services presently.[9] That is, for every eighty (80) handicapped children in the country between the ages of one and nineteen, forty-five (45) are not presently being given the opportunity to develop their fullest potential.

In the second case, one is inclined to agree with Evelyn Deno that there is no fundamental difference between the purpose or content of special and regular education;[10] only the delivery system differs. What is needed in both systems are methodological devices useful in identifying the behavioral strengths and weaknesses of children, task-analysis skills, and techniques for assessing skill development rather than ability deficits. Learning these skills and applying them to the exceptional child may have tremendous impact on the educational instruction provided all children.

Teachers presently have anxieties and frustrations which are a consequence of their efforts to meet the educational needs of twenty-five or thirty students in a classroom. By removing the exclusion option many teachers previously exercised in regard to the exceptional student, P.L. 94-142 may initially increase these anxieties. Administrators may need to develop anxiety-reducing strategies. One approach may be utilize differentiated staffing mechanisms.

Differentiated staffing is not new. In the past, however, most differentiated staffing was coordinated on a content area basis and frequently interpreted to mean adding paraprofessionals, clerks, etc., to departmental teams. The differentiated staff suggested here is a differentiated professional team similar to the colleague-consultant approaches used in medicine. The success of such teams will be dependent on regular teachers learning which questions to ask about child development and learning processes;[11] and, the special teachers, learning the constraints of the classroom situation and the practical problems of that environment. Both professionals can contribute to the solutions to what McNeely and McNett have called the process ("How can we do a better job?") and content ("Are there any research findings that can be used in our program?") questions.[12] Professional and status issues between these professionals fade as both are required in developing effective assessment devices, instructional alternatives and social reinforcer techniques. The partial or exclusive instructional accountabilities become shared of necessity.

Change in Role of Students. One might also expect that P.L. 94-142 will have substantive ramifications for the student role. As indicated previously, the student who is recipient of the P.L. 94-142 mandates becomes an active participant in the developed educational program. This active role is consistent with educational changes that no longer see the student as a passive learner.

In another context, the development of broad heterogeneous classes are a means for students to develop a humanistic respect for all children, reduce stereotypes and make effective adjustments to their age mates and later to adult society. There is an indication that separation of classes on the basis of ability (i.e. homogeneously) has detrimental effects on both the feelings of exceptional children and others.[13] Still, the socialization rationale for integrating the exceptional child is questioned.[14] There is some evidence available that indicates that the special student can adjust and is capable of making normal growth in the classroom.[15] Such research is decidedly in the minority. There is a larger body of research that gives inconsistent or mixed results.[16] And still a larger group of studies that indicate integration of special students does not facilitate ready acceptance by their peers within the school.[17] Also, the integrated special student may overestimate his/her acceptance[18] and may have difficulty adjusting to neighborhood peers.[19]

Christoplos suggests an interstudent tutoring approach as a solution to these potential problems. She lists five advantages which are consistent with integration concepts of P.L. 94-142. These advantages are: causes fluid pairing; removes rigid classifications; utilizes individualized rates of progress; involves total class in related activities; and, alleviates pressures on teach time.[20] She

notes also that tutoring schemes have a positive effect on the achievement of the tutor;[21] and develops teacher skills in record keeping and task analysis—both necessary components of multi-instructional strategies.

These will not be easy problems to overcome. However, all students must develop "acceptance" attitudes to function as effective adults. Otherwise dysfunctional attitudes may presently exist because of an "out-of-sight, out-of-mind" frame of reference. Schools may be able to do much to facilitate academic and social integration and consequently forestall these negative attitude formations or perpetuations. If the exceptional student does, as envisioned in P.L. 94-142, participate in the educational decisioning process, it might be anticipated that such active participation will be transported as a functional ingredient of the general educational process. If approaches such as suggested by Christoplos can be utilized and others envisioned, all students may become involved in the social interaction long espoused as an educational goal.

RETHINKING THE RATIONALE AND PROCESSES OF EDUCATIONAL DECISIONING

The 1976 National Conference on American Secondary Schools conducted a number of seminars on the need to refocus administrative attention on community involvement, curriculum, change processes and new administrative and staff skills needed to provide effective education. In essence, the conference attempted to generate new ways to think about operating secondary schools; new alternatives to educational decision-making.

Two aspects of P.L. 94-142, Individualized Educational Programs (IEP) and Least Restrictive Environment (LRE) have been the topic of much discussion since the enactment of that law in November 1975. IEPs and LREs are perhaps still very much misunderstood. Neither of these concepts is new to the educational enterprise.

IEPs and LRE. The concept of individualization as an educational instructional process has been with us for over 100 years. In 1868 the concept was formalized into what was then called the St. Louis Plan.[22] Individualization barged into the Twentieth Century at the secondary level with the introduction of the Pueblo System (1894, Colorado), the Dalton Plan (1919, Massachusetts)[23] and the Morrison Plan (1920, Illinois).[24] More recent instructional approaches have involved various individualized schemes, for example, programmed learning, Individually Prescribed Instruction (IPI), Computer Assisted Instruction (CAI) and Mastery Learning.

"Least Restrictive Environment," which has been called at various times "progressive inclusion," "normalization," and "mainstreaming," is of more recent vintage. Advocates of P.L. 94-142 have frequently emphasized that LRE is consistent with civil rights policy addressed by that legislation.[25] Least Restrictive Environment in the context of civil rights, becomes synonymous with integration. It provides the policy derivative for the integration of a "new" minority, handicapped children, who over the years have been systematically excluded from the regular educational processes.

Even though IEP and LRE have a social and educational history preceding the law, within P.L. 94-142 these concepts take on new meaning. Individualized Educational Program as mandated may be conceptualized as occuring at two levels. A recent publication of the National Association of State Directors of Special Education (NASDE) provides clear differentiation of these two levels. The first level, called the TOTAL SERVICE PLAN, describes the placement recommendations, instructional strategies and related services long-range goals. The INDIVIDUALIZED IMPLEMENTATION PLAN, the second level, describes short-term objectives and strategies for achieving those objectives.[26] Obviously, educational objectives (long or short-termed) are not new to administrators. What distinguishes P.L. 94-142 from most educational legislation is the specifically detailed program components. There are basically ten (10) parts of an Individualized Educational program: It must be written; indicate present levels of performance; detail annual goals; indicate short-term instructional objectives; specify educational services; project dates of initiation and anticipated duration; maintain objective criteria and evaluation procedures; provide a schedule of review; include LEA representatives, parents, and when appropriate, the child in decisioning; and finally, determine the degree to which the student will participate in the regular school program, (i.e. least restrictive placement). Thus, LRE results from IEP. LRE allows one to shift from a conceptual notion of mainstreaming. It becomes a decisioning stage in systematic planning. Seldom has legislation been so procedurally specific, while at the same time, as in LRE, allowing for decisioning flexibility.

Key to the implementation of a least restrictive environment is that students are to participate in the regular classroom to the maximum extent possible or appropriate. That is, whatever educational environment is selected for a given child, placement decisions should be based on educationally relevant criteria. Placement decisions hinge on answering two questions: What is the degree of student socialization with peers? Does the placement maximize the use of effective intervention strategies? Implied in this first question is the recognition of the interdependency of social and academic behaviors in learning. The second question is based on the understanding that to a greater or lesser degree, children with

exceptionalities, like their non-exceptional counterparts, fall on a continuum of ability and achievement. Therefore, educational activities and resources must reflect that continuum and thereby establishing a service, instruction and placement continuum. Thus, children classified by whatever label of exceptionality have a right to an education with their peers. To deny that right by providing limited educational options (i.e. regular classes or special placement), places the burden of justification on schools. Inflexible use of facilities and inflexible (standard) curricula are not justifiable reasons for denying educational opportunities to students.

In essence, P.L. 94-142 provides the policy directive and establishes the criteria for decisioning yet, administrators have the discretion to apply resources in unique ways.

Conclusion

As one pursues these and other potential effects of P.L. 94-142, numerous viewpoints may be taken. The proactive administrator will recognize that P.L. 94-142 is perhaps not as devastating as first appeared. Administrators will also recognize that effective implementation of this new "law of the land" will require development or expansion of existing personal and professional skills. It is clear that P.L. 94-142 will have legislative impact on the existing educational system. Further, as a social system, educational institutions, like other systems, succeed by adapting to change. The proactive administrator also recognizes that the skills necessary to facilitate such adaptation are available; they exist already in the administrative arsenal. Administrators need to "fight fire with fire" and use a system(s) to improve the educational enterprise in a systematic way. The components of this "administrative approach system" are information, assessment, intervention, implementation, resources, evaluation and modification. The ability to apply this "system" to P.L. 94-142 or other change processes is the substantive distinction between proactive and reactive administration.

The reactive administrator, paraphrasing Robert Kennedy, asks "Why;" the proactive administrator, "Why not?" The reactor keeps fighting the alligators as opposed to getting out of the swamp. Understandably, "getting out" involves having guidelines to follow. It is ludicrous to expect that school administrators can implement the law without having adequate regulations to follow. Fortunately, those regulations will be issued early in 1977.

Even with guidelines, one might not expect that implementation of P.L. 94-142 will be easy or that the law may not have rippling effects on the entire educational system. Problems occur when attempting to

combine two historically separate educational systems into one. This symbiosis as defined in P.L. 94-142 is perhaps too idyllic. Administrators have dealt with such idealisms before through management by feasibility. It seems reasonable to expect that they will interpret and implement P.L. 94-142 with the same feasibility, restrained by the uniqueness of their resources and situational conditions.

FOOTNOTES

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[2]S. Sarason, "The Preparation of Teachers: Still Unstudies," a talk presented at the Nineteenth Annual Conference of Teacher Education, Texas Education Agency, (October, 1966).

[3]Owen B. Kiernan, "Reflecting the Forces of Change," in New Dimensions for Educating Youth, edit. John Chaffee, Jr. National Association of Secondary School Principals, Reston, Va., 1976, pp. 11-16.

[4]Terrel H. Bell, "Let's 'dejuvenize' Secondary Education," in New Dimensions for Educating Youth, pp. 8-11.

[5]Cf. Leonard B. Stevens, Making Your Schools Work (Berkeley, Calif.: McCutchan Corp., 1975); National Committee for Citizens in Education Public Testimony on Public Schools (New York, N.Y.: Simon and Schuster, 1975); Martin Baskin, Parent Power (New York, N.Y.: Walker and Company, 1975); Lester H. Browder, Jr., ed., Emeerging Patterns of Administrative Accountability (Berkeley, Calif.: McCutchan Publishing Corp., 1971).

[6]Alexander vs. Holmes County Board of Education, 396 U.S.19. (1969).

[7]Robert H. Audette, "Individualized Educational Plans: The Promise and The Problems," position paper presented to National Advisory Council on Handicapped, Washington, D.C., (October 1, 1976).

[8]Herman Saettler, "The Exceptional Child in the Classroom: The Challenge and Opportunity," paper presented at the Exceptional Child in the Classroom: Educational Perspectives Conferences, Fort Hays, Kansas, (March, 1976).

[9]P.L. 94-142, Part A., Section 601(A); National Advisory Committee on the Handicapped, "The Unfinished Revolution: Education for the Handicapped: 1976 Annual Report, U.S. Department of Health, Educational, and Welfare, Washington, D.C.: U.S. Government Printing Office, 1976.

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[12]Margaret McNeely and Jan McNett, "Spreading the Latest Word," American Education, Vol. 11, No. 9, (November, 1975), pp. 24-28.

[13]Billings, 1963; Meyerowitz, 1962; Rapier, et al., 1962.

[14]J. W. Kidd, "Some Unwarranted Assumption in the Education and Habilitation of Handicapped Children," Education and Training of the Mentally Retarded, Vol. 1, (1966) pp. 54-58.

[15]G. O. Johnson, "Special Education for Mentally Handicapped - A Paradox," Exceptional Children, Vol. 19 (1962), pp. 62-69; G.M. Hoelke, Effectiveness of Special Education Placement for Educable Mentally Retarded Children, Lincoln, Neb.: Univ. of Nebraska, 1966; Z.Z. Rubin, et al., Emotionally Handicapped Children in the Elementary School, Detroit: Wayne State University Press, 1966; H.W. Smith and W.A. Kennedy, "Effects of Three Educational Programs of Mentally Retarded Children," Perceptual Motor Skills, Vol. 24, (1967).

[16]Cohen, et al., 1971; Gottlieb, 1973, 1974; Billings, 1963; Meyerowitz, 1962; Rapier, 1972; Welch; 1958; Goodman, 1972; Johnson, 1950; Rucker, Howe & Snider, 1969; Thurstone, 1959; Lapp, 1957, Jano, 1974.

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[20]Florence Christoplos, "Keeping Exceptional Children in Regular Classes," Exceptional Children, Vol. 39, No. 7 (April, 1973): pp. 569-572.

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